

SIXTY-FIRST DAY
(Wednesday, April 25, 1973)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

The following Senator was absent-excused: Blanchard.

A quorum was announced present.

The Reverend Kenneth Thompson, Walnut Creek Baptist Church, Austin, Texas, offered the invocation as follows:

Our Father in Heaven, give us this day the ability and the wisdom to see our work and our world through your eyes. Help us to see ourselves as servants of mankind, and not manipulators of our brothers. May your work be done here. May your purposes be carried out. May we rise above party and personality, above time and circumstance for the good of our fellowman. In the Name of the Father, and the Son, and the Holy Ghost through Jesus Christ our Lord. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Blanchard was granted leave of absence for today on account of illness on motion of Senator Hightower.

REPORTS OF STANDING COMMITTEES

Senator Hightower submitted the following reports for the Committee on Administration:

C.S.H.C.R. 131 (Read first time)
S.C.R. 79

Senator Brooks submitted the following reports for the Committee on Human Resources:

S.B. 504
S.B. 868
C.S.S.R. 432 (Read first time)

Senator Wallace submitted the following reports for the Committee on Intergovernmental Relations:

S.B. 594
S.B. 691
H.B. 268
H.B. 772
H.B. 40
S.B. 876
S.B. 919

H.B. 606

Senator Herring submitted the following reports for the Committee on Jurisprudence:

H.B. 173
S.C.R. 86

Senator Mauzy submitted the following reports for the Committee on Education:

S.B. 848
H.B. 1420
S.B. 900
C.S.S.B. 712 (Read first time)

SENATE BILL AND RESOLUTION ON FIRST READING

By unanimous consent, the following bill and resolution were introduced, read first time and referred to the Committee indicated:

By Senator Mauzy:

S.B. 936, A bill to be entitled An Act relating to competitive bidding for all architectural design contracts for new school buildings by the board of any independent school district; amending Subsection (c), Section 21.901, Texas Education Code; and declaring an emergency.
To Committee on Education.

By Senators Blanchard and Clower:

S.C.R. 89, Directing Legislative Property Tax Committee to obtain certain information from certain governmental entities to assist Committee in accomplishing its objectives.
To Committee on Administration.

LEAVE OF ABSENCE

Senator Creighton was granted leave of absence for the remainder of today on account of important business on motion of Senator Herring.

COMMITTEE SUBSTITUTE SENATE BILL 25 ON SECOND READING

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 25, A bill to be entitled An Act appropriating money for the support of the Judicial, Executive and Legislative Branches of the State Government, for the construction of State buildings, and for State aid to public junior colleges, for the period beginning September 1, 1973, and ending August 31, 1975; authorizing and prescribing conditions, limitations, rules and procedures for allocating and expending the appropriated funds; and declaring an emergency.

The bill was read second time.

Senator Schwartz offered the following amendment to the bill:

Amend the Senate Finance Committee Substitute for Senate Bill 25 by deleting item number 16 at page IV-19 under the Coordinating Board, Texas College and University System, which reads as follows:

16. Tuition Equalization Grants in
accordance with Senate Bill No.
56, Sixty-second Legislature,
Regular Session, 1971 5,000,000 7,500,000

and by adjusting all subtotals and totals.

The amendment was read.

Senator Aikin moved to table the amendment.

Question on the motion to table, "Yeas" and "Nays" were demanded.

The motion to table prevailed by the following vote: Yeas 25, Nays 3, Paired 2.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Sherman, Snelson, Traeger and Wolff.

Nays: Mauzy, Schwartz and Wallace.

Paired: Creighton and McKinnon.

Absent-excused: Blanchard.

PAIRED

Senator McKinnon (present) who would vote "Nay," with Senator Creighton (absent) who would vote "Yea."

Senator Longoria offered the following amendment to the bill:

Amend Committee Substitute for S.B. 25 by deleting the last sentence under appropriation for the Attorney General's Office on page III-27 dealing with regional offices.

The amendment was read.

Senator Aikin moved to table the amendment.

Question on the motion to table, "Yeas" and "Nays" were demanded.

The motion to table prevailed by the following vote: Yeas 21, Nays 8.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Harris, Herring, Hightower, Jones, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Wolff.

Nays: Clower, Gammage, Harrington, Kothmann, Longoria, Mauzy, Patman and Wallace.

Absent-excused: Blanchard and Creighton.

Senator Traeger offered the following amendment to the bill:

Amend Committee Substitute for Senate Bill 25, II-4 Department of Public Welfare by adding a new paragraph 36 to read as follows:

"(36) None of the funds appropriated herein may be expended for assistance to any person between the ages of 18 and 65 who is able-bodied and employable (and who is neither blind nor disabled) unless and until (a) the Department of Public Welfare has ascertained that such person has applied for employment with and has appeared as directed by the Texas Employment Commission and has not refused employment, or (b) if such person has refused employment, the Department of Public Welfare has determined that such refusal is with good cause, and (c) in any case such person is not engaged in a work stoppage or strike; provided however that any person regularly employed shall be exempt from the provisions of this paragraph; and provided further that any person who is enrolled in any job training or vocational rehabilitation program shall also be exempt from the provisions of this paragraph; and further provided that nothing in this paragraph shall apply to mothers with children under six years of age living in the home with them or to mothers who do not have employment opportunities available to them."

The amendment was read.

Senator Moore raised the Point of Order that the amendment was not germane to the bill and that it was in violation of Senate Rule 72.

The President sustained the Point of Order.

Senator Traeger offered the following amendment to the bill:

Amend the Committee Substitute to Senate Bill 25 by adding a Section 13 on page II-77 to read as follows:

PARTICIPATE IN ABORTIONS. No hospital or other health care facility receiving funds appropriated by this Act shall be required to perform or permit the performance of abortion or sterilization. No physician, nurse, staff member, or employee of the hospital or other health care facility receiving funds appropriated by this Act who objects to performing, participating in, or cooperating in, abortion or sterilization on moral, religious, or professional grounds shall be required to perform, participate in, or cooperate in an abortion or sterilization procedure. No hospital or health care facility receiving funds appropriated by this Act may discriminate in any manner against a physician, nurse, staff member, or employee who refuses to perform, participate in, or cooperate in an abortion or sterilization procedure. No educational institution receiving funds appropriated by this Act may discriminate against applicants for employment or against applicants for admission as students because of their moral, religious, or professional objections to abortion or sterilization."

TRAEGER
LONGORIA
MENGDEN

The amendment was read.

Senator Moore raised the Point of Order that the amendment was not germane to the bill and that it was in violation of Senate Rule 72.

The President sustained the Point of Order.

Senator Schwartz offered the following amendment to the bill:

Amend the Senate Finance Committee Substitute for Senate Bill 25 by deleting item number 28 at page III-73 under the Texas Highway Department which

reads as follows:

Out of the General Revenue Fund:

28. For state Assistance to political subdivisions of the State, in implementing the provisions of Sec. 41, Senate Bill 183, Acts of the Regular Session of the Sixty-second Legislature (1971) under rules, regulations and policy determinations established by the Highway Department, from the General Revenue Fund, to be 250,000 250,000

and by adjusting all subtotals and totals and renumbering the remaining items.

The amendment was read.

On motion of Senator Aikin, the amendment was tabled.

RECORD OF VOTES

Senators Mauzy, Clower and Schwartz asked to be recorded as voting "Nay" on the motion to table the amendment.

The bill was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 25 ON THIRD READING

Senator Aikin moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 25 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Blanchard and Creighton.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Blanchard and Creighton.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 79

On motion of Senator Clower and by unanimous consent, Senator Adams will be shown as Co-author of S.C.R. 79.

**COMMITTEE SUBSTITUTE HOUSE BILL
206 ON THIRD READING**

On motion of Senator Mauzy and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

C.S.H.B. 206, A bill to be entitled An Act amending Statutes relating to the method and manner of electing members to the Board of Education or the board of trustees of certain school districts; etc.; and declaring an emergency.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Snelson, Harris, Herring, Ogg and Braecklein asked to be recorded as voting "Nay" on the final passage of the bill.

HOUSE BILL 7 ON SECOND READING

On motion of Senator Mauzy and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 7, A bill to be entitled An Act amending Article 5428, Revised Civil Statutes of Texas, 1925, relating to the election of the Speaker of the House of Representatives; and declaring an emergency.

The bill was read second time.

Senator Mauzy offered the following amendment to the bill:

Amend H.B. 7 by striking Subdivision 3 of quoted Article 5428a in Section 1 of the bill and substituting the following:

"3. Any Speaker of the House or any member acting in his behalf who violates or attempts to violate this Act shall be subject to discipline deemed appropriate by the House upon a finding of such violation or attempted violation after a hearing in a committee of the whole with due process being afforded. The disciplinary action may include removal from the chair or other elective or appointive office held under the authority of the House on the vote of a majority of the members of the House, or expulsion from the House on a two-thirds vote pursuant to Article III, Section 11, of the Texas Constitution."

The amendment was read and was adopted.

Senator Mengden offered the following amendment to the bill:

Amend House Bill 7 by striking all of Sections 1, 2, and 3 of Article 5428a and substituting in lieu thereof the following:

"1. No Speaker of the House shall succeed himself in that office or at any time thereafter occupy the office of or be the Speaker of the House of Representatives of the State of Texas."

The amendment was read.

Senator Mauzy moved to table the amendment.

Question on the motion to table, the motion was lost.

Question recurring on the adoption of the amendment, the amendment was adopted.

RECORD OF VOTES

Senators Clower, Patman and Mauzy asked to be recorded as voting "Nay" on the adoption of the amendment.

On motion of Senator Mauzy and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

HOUSE BILL 7 ON THIRD READING

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H.B. 7 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Patman.

Absent-excused: Blanchard and Creighton.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTE

Senator Patman asked to be recorded as voting "Nay" on the final passage of the bill.

HOUSE BILL 50 ON THIRD READING

On motion of Senator Hightower and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

H.B. 50, A bill to be entitled An Act relating to educational programs in health care sciences offered by Midwestern University in conjunction with the United States Air Force; amending Chapter 103, Texas Education Code, by adding Section 103.10; and declaring an emergency.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Ogg, Brooks, Wallace, Clower, Herring, Gammage, Adams, Moore, McKnight, Harris, Sherman, McKinnon and Traeger asked to be recorded as voting "Nay" on the final passage of the bill.

**COMMITTEE SUBSTITUTE HOUSE BILL 166
ON SECOND READING**

On motion of Senator Wallace and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 166, A bill to be entitled An Act amending Sections 7 and 7a, Article 8306, Revised Civil Statutes of Texas, 1925, as amended; relating to the right of an injured employee entitled to medical aid and treatment under the provisions of Texas workmen's compensation law to select a licensed physician or licensed chiropractor of his own choice or require the association to furnish the medical aid, hospital services, nursing, chiropractic services, and medicines; providing for a method of changing medical aid, hospital services, chiropractic services, and medicines; providing a saving clause; and declaring an emergency.

The bill was read second time and was passed to third reading.

RECORD OF VOTES

Senators McKinnon, Harris, Jones, Snelson, Aikin, Sherman and Mengden asked to be recorded as voting "Nay" on the passage of the bill to third reading.

**MOTION TO PLACE COMMITTEE SUBSTITUTE
HOUSE BILL 166 ON THIRD READING**

Senator Wallace moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.H.B. 166 be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 22, Nays 7.

Yeas: Adams, Andujar, Braecklein, Brooks, Clower, Gammage, Harrington, Herring, Hightower, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Ogg, Patman, Santiesteban, Schwartz, Sherman, Traeger and Wallace.

Nays: Aikin, Harris, Jones, Mengden, Moore, Snelson and Wolff.

Absent-excused: Blanchard and Creighton.

**COMMITTEE SUBSTITUTE SENATE BILL 658
ON SECOND READING**

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 658, A bill to be entitled An Act appropriating money to Texas State Technical Institute for repair of damage to buildings caused by wind and hail; and declaring an emergency.

The bill was read second time and was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 658
ON THIRD READING**

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 658 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Blanchard and Creighton.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Blanchard and Creighton.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 185 ADOPTED

Senator Brooks called from the President's Table the Conference Committee Report on H.B. 185. (The Conference Committee Report having been filed with the Senate and read on Tuesday, April 17, 1973.)

On motion of Senator Brooks, the Conference Committee Report was adopted.

RECORD OF VOTES

Senators McKinnon, Traeger, Snelson, Ogg, Mengden, Jones, Harris, McKnight and Patman asked to be recorded as voting "Nay" on the adoption of the Conference Committee Report.

NOTICE OF EXECUTIVE SESSION

Senator McKinnon gave notice that he would move for an Executive Session of the Senate at 11:30 o'clock a.m. tomorrow.

NOTICES OF INTENT

The following Notices of Intent were filed with the Secretary of the Senate:

Thursday, April 26, 1973

H.B. 100 - Senator Wolff
H.B. 120 - Senator Gammage
H.B. 158 - Senator Creighton
C.S.H.B. 166 - Senator Wallace
H.B. 300 - Senator Wolff
C.S.H.B. 340 - Senator Gammage
H.B. 370 - Senator Mauzy
H.B. 441 - Senator Mauzy
H.B. 543 - Senator Sherman
C.S.H.B. 1087 - Senator Santiesteban
C.S.S.C.R. 70 - Senator Wolff

S.B. 162 - Senator Sherman
C.S.S.B. 209 - Senator Ogg
S.B. 295 - Senator McKnight
S.B. 391 - Senator Brooks
S.B. 692 - Senator Ogg
S.B. 764 - Senator Ogg
C.S.S.B. 765 - Senator Ogg
S.B. 772 - Senator Ogg
C.S.S.B. 818 - Senator Snelson
C.S.S.B. 819 - Senator Wolff
S.B. 855 - Senator Snelson
S.B. 868 - Senator Wallace

Monday, April 30, 1973

C.S.S.B. 109 - Senator Moore
S.B. 340 - Senator Moore
S.B. 835 - Senator Moore

MEMORIAL RESOLUTIONS

S.R. 620 - By Senator Snelson: Memorial resolution for Marcus Welch.

S.R. 621 - By Senator Snelson: Memorial resolution for Dr. James H. Chapple.

S.R. 622 - By Senator Creighton: Memorial resolution for Sam Cleveland.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 619 - By Senators Aikin and Creighton: Extending welcome to Bob Rheudasil.

S.R. 623 - By Senator Ogg: Extending congratulations to Terry Burge.

S.R. 624 - By Senator Brooks: Extending welcome to residents from Pasadena.

ADJOURNMENT

On motion of Senator Aikin the Senate at 12:37 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

SIXTY-SECOND DAY (Thursday, April 26, 1973)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz,